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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,214	09/21/2001	Priscilla Escobar-Bowser	TI-30806	4092

23494 7590 03/04/2003

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EXAMINER

NGUYEN, HIEP

ART UNIT PAPER NUMBER

2816

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/961,214

Applicant(s)

ESCOBAR-BOWSER ET AL.

Examiner

Hiep Nguyen

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claims 1 and 8 are objected to because of the following informalities: the recitation “ the transistor” on line 4 of claim 1 and line 5 of claim 8 lack antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction and /or clarification is required.

Regarding claims 1 and 8, the recitation “ such that a current in the second transistor is **independent** of a voltage applied across the diode, the first transistor, and the first resistor” is indefinite because it is misdescriptive. According to the disclosure in the specification page 6, second paragraph, the recited circuit **cannot** provide a voltage drop **independent** of the voltage supply fluctuations **because** the current  $I_{start\_up}$  depends upon resistor (R3) **that does not belong to the recited circuit**. Claims 2-7 and 9-15 are also rejected under 35U.S.C. 112, 2<sup>nd</sup> paragraph because of the technical deficiencies of claims 1 and 8.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2 and 8-10, insofar as understood, are rejected by Ohashi (US Pat. 6,316,971).

Regarding claim 1, figure 7 of Ohashi shows a circuit comprising: a diode (111); a first transistor (110) coupled in series with the diode; a first resistor (115) coupled in series with the transistor; a second transistor (113) having a control node coupled to a control node of the first transistor and coupled to a node between the first transistor and the first resistor; and a second resistor (116) coupled in series with the second transistor "such that a current in the second transistor is independent of a voltage applied across the diode, the first transistor, and the first resistor". The recitation "such that a current in the second transistor is independent of a voltage applied across the diode, the first transistor, and the first resistor" is merely "result" language thus cannot be relied upon to distinguish over the prior art since the prior art meets all of the claimed structure. Note that the apparatus claims, to be patentable over the prior art, must define over the prior art by structure, not the result of that structure. The circuit of Ohashi and the recited circuit have identical structure thus they perform the same function.

Regarding claims 2, the bias generator (24) is coupled to the second transistor and the second resistor.

Regarding claim 8, figure 7 of Ohashi shows a circuit comprising: a constant voltage drop device (111); a first transistor (110) coupled in series with the constant voltage drop device; a first resistor (115) coupled in series with the transistor; a second transistor (113) having a control node coupled to a control node of the first transistor and coupled to a node between the first transistor and the first resistor; and a second resistor (116) coupled in series with the second transistor. The recitation "such that a current in the second transistor is independent of a voltage applied across the diode, the first transistor, and the first resistor" is merely "result" language thus cannot be relied upon to distinguish over the prior art since the prior art meets all of the claimed structure. Note that the apparatus claims, to be patentable over the prior art, must define over the prior art by structure, not the result of that structure. The circuit of Ohashi and the recited circuit have identical structure thus they perform the same function.

Regarding claim 9, the constant voltage drop device is a (111).

Regarding claim 10, the bias generator is (24).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hiep Nguyen whose telephone number is (703) 305-0127. The examiner can normally be reached on Monday to Friday from 7:30 A.M. to 4:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-6251.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Hiep Nguyen

Examiner

02-27-03



TUAN T. LAM  
PRIMARY EXAMINER